

REMARKS

Claims 1-28 were originally filed in this application. In response to a restriction requirement the applicants elected claims 8-21 for further prosecution. By way of this amendment, claims 8-14, and 18-20 are amended. Accordingly, claims 8-21 are pending and at issue.

Response to the 35 U.S.C. § 102(b) rejections

Claims 8, 9, 11-13, and 15-17 were rejected under 35 U.S.C. § 102 (b) as anticipated by SAFARI by Coastal: "Bristle Brush Package" 1997, Coastal Alliance, Ohio, US XP002277714 (the '714 reference). Claim 8, as amended recites a first display on the body corresponding to an example of a pet coat type and a second display on the body naming the pet coat type. Claim 8 also recites an identifier on the body different from the first and second displays being specific to identify the pet coat type, and recites a pet grooming tool configured specifically for grooming the pet coat type corresponding to the identifier.

The package in claim 8 includes a pet coat type example (i.e. picture of pet, name of breed of animal, etc.) and a pet coat name that corresponds to the pet coat type (i.e. long haired, short haired, etc.). In addition to the first and second displays, the package further includes a wholly separate identifier that also is provided to specifically and readily identify the pet coat type. As a result, when using such a package, a user is able to easily identify the different grooming tools suited for grooming their pet by spotting the identifier that corresponds to the pet coat type matching their pet.

The applicants respectfully submit that the '714 reference fails to disclose each and every element of the claims and, therefore, fails to anticipate the rejected claims.¹ The '714

¹ "Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention." *Rockwell International Corp. v. United States*, 47 USPQ2d 1027 (Fed. Cir. 1998).

reference does not disclose such an identifier separate from dog photos, breed names, and tool names. As can best be determined from the documents provided, the packaging of the '714 reference includes a picture of a dog or breed of dog, a grooming tool, a name of the grooming tool, and a list of other suggested breeds with which the grooming tool may be used. The packaging, however, lacks any type of additional identifier that corresponds or is associated with the grooming tool. The user would have to closely examine each package to determine whether the tool in the package is appropriate for their pet's coat type.

The '714 reference fails to disclose the identifier of claim 8. Accordingly, the §102 rejection of claim 8 and its dependent claims 9, 11-13, and 15-17 should be withdrawn.

Similarly, claims 18-20 were rejected under 35 U.S.C. § 102 (b) as anticipated by both the '714 reference, and SAFARI Pet Products: "Dog Brochure" 1997, SAFARI Pet Products XP002277715 (the '715 reference). The applicants respectfully submit that the '714 and '715 references fail to disclose each and every element of the claims and, therefore, fail to anticipate the rejected claims.

Claim 18, as amended, recites "a plurality of packages each including at least one of a first display showing a pet coat type and a second display naming the pet coat type." Claim 18 also recites that each of the plurality of packages represents a different pet coat type. Claim 18 further recites a plurality of identifiers different from one another and different than the first and second displays with one identifier on each package. Each identifier is recited as identifying a different one of the pet coat types.

The claimed system enables a user to match the type of coat of the user's pet by first comparing their pet or its coat type to the pet coat type example and/or the pet coat name and determining the correct identifier. The user is then able to easily identify the grooming tools particularly suited for grooming their pet by spotting the identifier that corresponds to their

pet's coat type. Neither the '714 nor the '715 reference discloses such a package or system.

The deficiencies in the '714 reference were discussed above. The '715 reference has the same deficiencies. The '715 reference brochure like the '714 reference, also lacks any type of identifier, other than the standard dog photos and descriptive words, that particularly identifies a specific grooming tool suited to a particular coat type. As such, even though the brochure may disclose various pet coat types and various grooming tools, the brochure provides no other identifier to aid the consumer.

As a result, the '714 and '715 references each fail to disclose all of the limitations of claim 18. Accordingly, the §102 rejection of claim 18 and its dependent claims 19-20 should be withdrawn.

Response to the 35 U.S.C. §103(a) rejections

Claim 10 was rejected under 35 U.S.C. § 103(a) as obvious over the '714 reference in view of photographs of "SAFARI Pet Grooming Tools Display Rack" (the Photographs).

Neither the '714 reference when taken alone nor the combination of the '714 reference and the Photographs teaches or suggests all of the elements recited in claim 10. Claim 10 depends from independent claim 8 which includes one or more limitations not taught or suggested by '714 reference as discussed above. These same limitations are also not disclosed by the Photographs. The Photographs fail to teach or suggest an identifier as claimed. This combination of references does not render claims 8 and 10 obvious.

Claim 14 was rejected under 35 U.S.C. § 103(a) as obvious over the '714 reference in view of U.S. Patent No. 4,343,265 (the '265 patent).

Neither the '714 reference when taken alone nor the combination of the '714 reference and the '265 patent teaches or suggests all of the elements recited in claim 14. Claim 14 depends from independent claim 8 which includes one or more limitations not

taught or suggested by the '714 reference as discussed above. These same limitations are also not disclosed by the '265 patent. The '265 patent fails to teach or suggest an identifier as claimed. This reference combination fails to render claims 8 and 14 obvious.

Claim 21 was rejected under 35 U.S.C. § 103(a) as obvious over the '714 reference and the '715 reference in view of the Photographs.

None of the '714 reference, the '715 reference, or the Photographs teaches or suggests all of the elements recited in claim 21. Claim 21 depends from independent claim 18 which includes one or more limitations not taught or suggested by the '714 and '715 references as discussed above. These same limitations are also not disclosed by the Photographs. The Photographs fail to teach or suggest a plurality of identifiers different from one another and different than the first and second displays, as claimed. This reference combination fails to render claims 18 and 21 obvious.

Therefore, a *prima facie* case of obviousness has not and cannot be established, based on the art of record, in rejecting dependent claims 10, 14 and 21.² Accordingly, the § 103 rejection of these claims should be withdrawn.

² "To establish a *prima facie* case of obviousness, ... there must be some suggestion or motivation ... to modify the references or to combine reference teachings ... [, and] the prior art reference (or references when combined) must teach or suggest 'all' the claimed limitations". (Internal quotations added). See MPEP § 2142.

Conclusion


In light of the foregoing, issuance of a notice of allowance is respectfully solicited.
Should the examiner have any questions, she is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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February 28, 2005

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